

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

ARGELIA SOLITO,	)	
	)	
Plaintiff,	)	
v.	)	Case 1:23-cv-03438-MLB
	)	
SAM’S EAST, INC., JOHN DOE 1-	)	
2, ABC CORP., and XYZ CORP.,	)	
	)	
Defendants.	)	

**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

COMES NOW Defendant Sam’s East, Inc. and, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of this Court’s Local Rules, hereby file their Motion for Summary Judgment, showing the Court that there is no genuine dispute as to any material fact relating to Plaintiffs’ claims, and thus, judgment in favor of Defendants against said claims is warranted under the facts of this case and under applicable law.

The present motion is based upon the following documents:

- 1) Defendant’s Statement of Material Facts Which Are Not in Dispute, filed concurrently herewith;
- 2) Defendant’s Brief in Support of its Motion for Summary Judgment, filed concurrently herewith, including the following exhibits attached thereto:

**Exhibit A:** Surveillance Footage (being mailed to the Court via FedEx on a USB drive);

**Exhibit B:** Excerpt of the Deposition of Plaintiff Argelia Solito;

**Exhibit C:** Declaration of Cody Speck;

**Exhibit D:** Photographs;

**Exhibit E:** Sam's East, Inc.'s Slip, Trip, and Fall Guidelines;

**Exhibit F:** Sam's East, Inc.'s Spill Clean Up Procedures; and

**Exhibit G:** Plaintiff's Response to Defendant's First Interrogatories

- 3) All pleadings, discovery, and other documents on file with the Court at the time of its ruling on the present motion.

WHEREFORE, Defendant respectfully requests that judgment be granted in its favor as to Plaintiff's Complaint.

Respectfully submitted this 3rd day of June, 2024.

**DREW ECKL & FARNHAM, LLP**

/s/ Katherine I. Barton

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Defendants.	)	

**CERTIFICATE OF SERVICE**

Today I served a copy of *Defendant Sam’s East, Inc.’s Motion for Summary Judgment* upon all parties to this matter by filing with the Court’s CM/ECF system, which will automatically e-mail notification of same to the following counsel of record:

Adam J. Klein, Esq.  
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I further certify that the foregoing has been prepared with Times New Roman, 14-point font, in compliance with L.R. 5.1(C).

This 3rd day of June, 2024.

**DREW ECKL & FARNHAM, LLP**

/s/Katherine I. Barton

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